

First named inventor: Anderson
Serial no. 09/940,360
Filed 8/27/2001
Attorney docket no. 10018309-1

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REMARKS

Oath and declaration

The Examiner has indicated that the submitted declaration does not conform to 37 CFR 1.63, because the declaration only refers to 37 CFR 1.56 partially, in the context of the US priority claim section.

Applicant disagrees. While the declaration does indeed refer to 37 CFR 1.56 under the US priority claim section, it also refers to section 37 CFR 1.56 just under the title of the patent application, in satisfaction of 37 CFR 1.63, without particular relation to any type of US or foreign priority. In particular, this section of the declaration states, without particular relation to any type of US or foreign priority, that

I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

Therefore, Applicant contends that the declaration satisfies all necessary rules and regulations regarding declarations. Applicant believes that the Examiner may have simply missed this earlier recitation of 37 CFR 1.56 when reviewing the declaration. Should the Examiner still believe that the declaration is faulty, however, he is strongly urged to contact Applicant's representative, so that such issues can be squared away quickly.

Claim objections

Claims 16 and 18 have been objected to. Because claims 16 and 18 have been cancelled, the objections are now moot.

Claim rejections under 35 USC 103

Claims 1-15 have been rejected under 35 USC 103(a) as being unpatentable over Fida International, ProLink User's Manual, in view of Polycom, ViaVideo User's Guide. Applicant contends that as amended, the claimed invention is not unpatentable over Fida in view of

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Polycom. Claims 1, 7, and 13 are independent claims, from which the remaining pending claims ultimately depend.

Independent claims 1 and 13 have been amended so that the suppression of the automation installation mode for the hardware device is accomplished "without user interaction," whereas claim 7 has been amended so that a window that relates to such an automatic installation mode is closed "without user interaction." Applicant submits that Fida in view of Polycom does not disclose the suppression of an automatic installation mode for a hardware device, such as by closing a window, "without user interaction," as to which the claimed invention is now limited. The Examiner particularly relies on Fida in disclosing the suppression of an automatic installation mode for a hardware device, such as by closing a window. Therefore, Applicant focuses on Fida not disclosing the suppression of an automatic installation mode "without user interaction," such that Fida in view of Polycom does not disclose the claimed invention.

Fida only discloses the suppression of an automatic installation mode *with* user interaction, not without user interaction. In section 3.1.1, page 7 of Fida, the user is instructed to "click 'cancel' to exit from the new hardware installation wizard," where the new hardware installation wizard is an automatic installation mode for a hardware device. That is, the user has to click the cancel button on the window in order to suppress the automatic installation mode. As such, the user performs an interaction in Fida, and thus in Fida in view of Polycom, to suppress the automatic installation mode for a hardware device, such as by closing a window associated with this automatic installation mode. Therefore, Fida in view of Polycom does not teach all the limitations of the claimed invention, since the claimed invention is limited to the suppression of the automatic installation mode *without* user interaction, not with user interaction.

Applicant further contends that Fida in view of Polycom could not be modified to teach the suppression of an automatic installation mode for a hardware device without user interaction. First, there is no suggestion or motivation to do so within the prior art. Both Fida and Polycom are inherently *user manuals*, such that they provide instructions as to what the user is to do in

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order to install and use the hardware device. However, suppressing the automatic installation mode *without* user interaction is inherently a subject that is antithetical to a *user manual* – if the user does not have to perform an interaction for the automatic installation mode to be suppressed, then there is no sense in having a user manual teaching such automatic installation mode suppression without user interaction.

Second, modifying Fida in view of Polycom to yield automatic installation mode suppression without user interaction destroys the intended purpose and functionality of Fida in particular. Section 3.1.1 on page 7 of Fida clearly indicates that the user is to click the cancel button to exit from the automatic installation mode, which is the principle of operation by which Fida achieves such suppression. Having automatic installation mode suppression without having to have the user click the cancel bound, as would be accomplished by having such suppression without user interaction as in the claimed invention, goes against the principle of operation of Fida, and thus destroys its intended purpose and functionality.

Therefore, Fida in view of Polycom does not render claims 1-15, as have been amended, unpatentable.

Claims 16-20 have been rejected under 35 USC 103(a) as being unpatentable over Polycom in view of Vrhel (6,543,047). However, Applicant has cancelled claims 16-20 without prejudice, rendering this rejection moot.

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Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



November 22, 2004
Date

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